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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,089	02/21/2002	William D. McKay	RBD-100-A	8609

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EXAMINER

CHIN, RANDALL E

ART UNIT PAPER NUMBER

1744

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,089

Applicant(s)

MCKAY, WILLIAM D.

Examiner

Randall Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8 and 10-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 022102; 042402.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Claims 6 and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the Paper filed April 26, 2004.

Applicant's election of the species of Figs. 1-3 and 7-10, claims 1-5, 7, 8 and 10-17 in the Paper filed April 26, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

2. The disclosure is objected to because of the following informalities:

The Examiner respectfully requests clarification for the term "discontinuity" 42 shown in Figs. 1 and 2 and as described in the specification at p. 7, paragraph [0047]. Specifically, it is unclear as to what is actually discontinuous with respect to numeral 42 as shown. The Examiner does agree, however, that numeral 42 can serve as a "bridge."

On p. 4, paragraph [0034], it appears the recitation "applied to the substantially" should just read --is applied to substantially".

On p. 5, paragraph [0037], it appears "interior bore 20" should read --interior bore 21--.

On p. 6, paragraph [0041], it appears "roll 10' " should read --roll 10 --.

Appropriate correction is required.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: pull tab 40 as recited in paragraph [0046] and tabs 53 and 55 as recited in paragraph [0050].

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. Claim 17, line 7, "tab" should read --tabs--.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 5, 7, 8, 12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaffri '788.

Jaffri '788 teaches with respect to claim 1 a tape roll for a lint removal roller assembly 01 comprising, a tape wound in a roll 11 (Figs. 1-3, for example) and formed of a substrate 03 having opposed side edges and first and second major opposed surfaces of the tape, an adhesive layer carried on one major surface, the tape wound

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into a tape roll with the adhesive layer facing outwardly from the roll, a separable edge defined by horizontal perforation 05b extending at least partially through the roll dividing the roll into a plurality of individually separable sheets 03, and a plurality of pull tabs 15 formed by a plurality of "spaced", substantially, non-adhesive portions (col. 2, lines 44-45) carried between the side edges and on one of the first and second surfaces of the substrate, one non-adhesive portion disposed in registry with the separable edge to define one pull tab on each sheet on the roll to facilitate removal of an outermost sheet from the roll. It should be noted that the term "spaced" here has been broadly interpreted and each non-adhesive portion or tab 15 on each sheet is at least "spaced" from one another as shown in Fig. 1 or "spaced" in the sense where the sheets 03 overlap one another in roll form.

As for claim 3, non-adhesive tab 15 is deemed to be a thin sheet having a substantially non-adhesive surface.

As for claim 5, non-adhesive tab 15 is in a square shape and therefore of a polygonal shape (Fig. 1).

As for claim 7, the separable edge 05b is in the form of a slit and deemed to extend at least partially through the tape roll since there are numerous sectioned individual sheets in roll form.

As for claim 8, the separable edge is a horizontal perforation 05b and thus a "planar" slit extending at least partially through the tape roll.

As for claim 12, although short in length dimension (Fig. 1), the pull tab extends "longitudinally" from the separable edge in the tape.

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As for claim 14, the non-adhesive portion 15 is a material layer fixed on the tape and having a non-adhesive surface facing outward from the adhesive coated layer on the tape (Fig. 1).

With respect to claim 15, the separable edge is co-extensive with an edge of non-adhesive portion of the pull tab (Fig. 1).

As for claim 16, the non-adhesive portions are completely non-adhesive on their outward faces and thus have "at least a partial, non-adhesive surface."

Jaffri '788 further teaches a method of producing a lint removal assembly as recited in claim 17 comprising the steps of, providing an elongate flexible substrate with first and second opposed surfaces and first and second side edges, affixing an adhesive layer on one of the first and second surfaces of the substrate, providing a plurality of pull tabs defined by a plurality of longitudinally "spaced", non-adhesive portions on the adhesive layer on the tape, winding the tape into a roll with the adhesive layer facing outwardly of the roll, forming a separable edge at least partially through the roll dividing the roll into individually separable sheets, and disposing the separable edge in registry with the non-adhesive portions on each sheet. It should be noted that the term "spaced" here has been broadly interpreted and each non-adhesive portion or tab 15 on each sheet is at least "spaced" from one another as shown in Fig. 1 or "spaced" in the sense where the sheets 03 overlap one another in roll form.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffri '788 in view of McKay 5,027,465 (hereinafter McKay '465).

The patent to Jaffri '788 teaches all of the recited subject matter as previously set forth with the exception of the separable edge being a discontinuous slit extending at least partially through the tape roll. McKay '465 teaches a tape roll having a discontinuous slit (Figs. 7, 23, 24, for example) extending at least partially through the tape roll. It would have been obvious to one of ordinary skill in the art to have modified Jaffri's tape roll such that there is discontinuous slit extending at least partially through the tape roll as suggested by McKay '465 in order to maintain the retentive continuous integrity of the tape roll on the roller.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffri '788 in view of Japan 4-226581.

The patent to Jaffri '788 teaches all of the recited subject matter as previously set forth with the exception of the separable edge including planar and non-planar portions. The Japan 4-226581 reference teaches in Fig. 2 a dust/lint tape roll having a separable edge including planar and non-planar portions on each sheet. It would have been

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obvious to one of ordinary skill in the art to have modified Jaffri's separable edge such that the edge includes planar and non-planar portions on each sheet as taught by Japan 4-225581 for the purpose of providing a visually distinct and easily recognizable portion for a user to lift a sheet from the roll.

10. Claims 2, 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffri '788 in view of Imsande '811.

The patent to Jaffri '788 teaches all of the recited subject matter as previously set forth with the exception of a substantially non-adhesive coating formed in a plurality of longitudinal spaced locations on one of the first and second major surfaces of the tape and wherein the thin sheet is adhesively fixed to the adhesive layer on the tape.

Imsande '811 teaches a substantially non-adhesive coating (col. 2, lines 40-43) on a pull tab 18 formed on one of the first and second major surfaces of an adhesive sheet and wherein the thin sheet is deemed "adhesively" fixed (at least in a broader sense) to the adhesive layer since it is "print deposited" thereon. It would have been obvious to one of ordinary skill in the art to have modified Jaffri's non-adhesive portion such that a substantially non-adhesive coating is formed on one of the first and second major surfaces of the tape and wherein the thin sheet is adhesively fixed to the adhesive layer on the tape as suggested by Imsande '811 for the purpose of reducing the overall thickness of the roller (or stack) and ensuring a minimal cumulative thickness.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Seeley is pertinent to a label web with slits at edge portions of the sheets and Cho is relevant to a roller with non-adhesive portions between sheets.

12. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Robert Warden, can be reached at (571) 272-1281. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to be 'R. Chin'.

R. Chin

A handwritten signature in black ink, appearing to be 'Randall Chin'.

Randall Chin
Primary Examiner
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